

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 DANNIE RAY HILLHOUSE,

12 Petitioner,

13 vs.

14 MICHAEL MARTEL,<sup>1</sup>

15 Respondent.  
16 \_\_\_\_\_/

No. CIV S-03-0142-MCE-CMK

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of  
18 habeas corpus pursuant to 28 U.S.C. § 2254. A telephonic case management conference was  
19 held on May 5, 2011, before the undersigned in Redding, California. James Thomson and Hilary  
20 Sheard appeared on behalf of petitioner; Paul O'Connor appeared on behalf of respondent.

21 Following review of the case management conference statements, and discussion  
22 with counsel, the court has determined that the best course of action in this matter is to address  
23 the procedural defenses prior to entering Phase III.  
24 \_\_\_\_\_

25 <sup>1</sup> Michael Martel is now acting warden of San Quinton. Pursuant to Federal Rule  
26 of Civil Procedure 25(d), Michael Martel is substituted for his predecessor. The Clerk of the  
Court will be directed to update the docket to reflect the above caption.

1                   Accordingly, and good cause appearing therefor, IT IS HEREBY ORDERED  
2 that:

3                   1.       Respondent shall, within 60 days of the date of this order, file a  
4 memorandum of points and authorities on his procedural defenses;

5                   2.       Petitioner shall file an opposing memorandum within 60 days of the filing  
6 of respondent's brief;

7                   3.       Respondent may file a reply brief within 30 days after the filing of  
8 petitioner's opposing brief;

9                   4.       A hearing on the procedural defenses shall be scheduled following  
10 submission of petitioner's opposing brief; and

11                  5.       The Clerk of the Court is directed to update the docket to reflect the  
12 substitution of Michael Martel as respondent in this matter.

13  
14 DATED: May 10, 2011

15   
16 **CRAIG M. KELLISON**  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26